

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted September 19, 2001.

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statements filed February 25, 2002 and July 23, 2002.

Applicant respectfully requests that the Examiner return an initialed copy of the PTO-1449 form submitted with the Information Disclosure Statement filed September 19, 2001.

Applicant thanks the Examiner for acknowledging the election without traverse of claims 1-4 and 14 in the Response to Restriction Requirement filed November 18, 2003.

Status of the Application

Claims 1-4 and 14-31 are all the claims pending in the Application, as claims 15-31 are hereby added to more fully define the current invention, and as non-elected claims 5-13 are hereby cancelled without prejudice or disclaimer. Claims 1-4 and 14 have been rejected.

Anticipation Rejection

The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by *Anderson et al.* (US 5,185,041; hereinafter "*Anderson*"). This rejection is respectfully traversed.

The Examiner takes the position that *Anderson* discloses all of the features of independent claim 1.

In contrast, Applicant respectfully submits that *Anderson* fails to teach or suggest “crushing the used-up plastic product into fine chips having a diameter of 2 - 4 mm,” as recited in independent claim 1.

Specifically, *Anderson* is designed to be used with particles of 95-127 mm diameter (col. 1, lines 18-20). In fact, *Anderson*’s washing system would completely fail to contain (and wash) the fine chips recited in claim 1, as the disclosed rolling tube has holes of 32-48 mm diameter (*i.e.*, larger than the claimed fine particles) for washing fluid to pass through (col. 7, lines 8-17).

Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied reference. Further, Applicant respectfully submits that rejected dependent claims 2-4 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Obviousness Rejection

The Examiner has rejected, under 35 U.S.C. § 103(a): (1) claim 2 as being unpatentable over *Anderson* in view of *Lundquist* (US 4,952,132; hereinafter “*Lundquist*”); (2) claims 3 and 4 as being unpatentable over *Anderson* in view of *Lundquist* and further in view of *VanDeMoere et al.* (US 5,600,391; hereinafter “*VanDeMoere*”); and (3) claim 14 as being unpatentable over *Anderson* in view of *Lundquist* in further view of *Pickert et al.* (WO 96/34729; hereinafter “*Pickert*”). These rejections are respectfully traversed.

Dependent Claims 2-4

Applicant respectfully submits that dependent claims 2-4 are allowable, *at least* by virtue of their dependency. Further, Applicant respectfully submits that neither *Lundquist* nor

VanDeMoere teaches or suggests the features of independent claim 1 that are missing from *Anderson*, as neither of these secondary references disclose any particular crushed chip size.

Independent Claim 14

The Examiner has taken the position that all of the features recited in independent claim 14 are disclosed by a combination of *Anderson* and *Lundquist*, except that the combination fails to teach or suggest the washing of shredded plastic using spiral flow and agitation. Nevertheless, the Examiner alleges that *Pickert* “shows” these features, and that it would somehow have been obvious to modify a combination of *Anderson* and *Lundquist* in view of *Pickert*.

In contrast, even if it would have been possible to modify *Anderson* in view of *Lundquist* as the Examiner alleges, Applicant respectfully submits that one of skill would not have been motivated to further modify this combination in view of *Pickert* to, as the Examiner alleges, “adequately wash the plastic materials before molding.”

Specifically, the Examiner’s proffered motivation is unsupported by the applied references, as *Anderson* already discloses a system where shredded plastic material is washed before being used in a molding operation. There is no teaching or suggestion that *Anderson*’s washing system is at all inadequate to wash the plastic materials.

Further, it has long been held that, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) MPEP § 2143.01.

Here, *Anderson* discloses a laterally arranged and slightly sloped rotating tube 34 where the shredded plastic moves axially down to barrel through a two-stage cleaning and rinsing

operation. In contrast, *Pickert* discloses a vertically based system where cleaning operations are performed in a tub 3 with a drain 11 at the bottom.

While it is unclear from the Office Action *how* the Examiner proposes that one of skill would have modified *Anderson* in view of *Pickert*, it is clear that any such modification of *Anderson* would result in a significant departure from its basic operation (and orientation). Thus, one of skill would simply not have been motivated to further modify any combination of *Anderson* and *Lundquist* with *Pickert*.

Additionally, even if it were possible to further modify a combination of *Anderson* and *Lundquist* with *Pickert* as the Examiner has alleged, Applicants respectfully submit that none of these references, either alone or in combination, teaches or suggests “washing the fine chips using a circulation flow including a spiral flow,” as recited in claim 14.

Specifically, *Pickert*¹ discloses only that “the precleaned plastic shreds then go into a washing cascade in which they are agitated by an agitator” (abstract). *Pickert* fails to teach or suggest any particular spiral flow.

Thus, Applicant respectfully submits that independent claim 14 is patentable over the applied references, and respectfully requests that the Examiner withdraw this rejection.

New Claims

Claims 15-31 are hereby added. Claims 15-31 are fully supported by the instant Application, are readable on the elected species, and are respectfully submitted to be allowable *at least* by virtue of their dependency.

¹ The Examiner has conceded that spiral flow is not taught or suggested by *Anderson* or *Lundquist*.

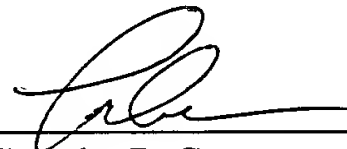
Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-4 and 14-31 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-4 and 14-31.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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